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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,959	09/26/2000	Scott C. Harris	TV-Browsing/SCH	5133
23844	7590	05/16/2007	EXAMINER	
SCOTT C HARRIS			BUI, KIEU OANH T	
P O BOX 927649			ART UNIT	PAPER NUMBER
SAN DIEGO, CA 92192			2623	
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			05/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/669,959	<b>Applicant(s)</b> HARRIS, SCOTT C.	
	<b>Examiner</b> KIEU-OANH BUI	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4,6-10 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4,6-10,21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Remark

1. Claims 1, 5, and claims 14-16 were canceled in the amendment dated 10/10/05. Please note claims 11-13 were belong to Group II and being treated as non-elected claims (refer to first election/restriction paper back in 8/26/04). Pending claims are only claims 2-4, 6-10, and 21 for reconsideration. Please note that claims 17-20 are also withdrawn from further consideration by the examiner due to election/restriction requirements.
2. New claims 22-23 have been added.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*
4. Claims 2-4, 6-10 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the TV and the separate computer. If the computer is totally separated from the television, i.e., there is no existing connection or any communication interface, then how could the remote control can access the hyperlink on the TV while displaying the information from the hyperlink on a display of the separate computer?

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

6. Claims 2-4, 6, 8, 10, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. ( Humpleman hereinafter - U.S. Patent 6,243,707 B1).

Regarding claims 2 and 21-23, Humpleman discloses “a system, comprising: a television remote which has first buttons controlling at least a plurality of functions on a controlled television which is separate from said television remote, said television remote mounted in a housing, which housing is totally separate from the television being controlled by the remote, and said television remote also having a command which accesses information from a hyperlink that is associated with a program that is being currently displayed on the television, wherein said remote communicates with a separate computer, to display said information from said hyperlink on a display of the separate computer, and where said display of said separate computer is totally separate from the display of the television”, i.e., a user can uses a remote control for different functions, as the user chooses to accessing the Internet or HTML document using the hyperlink or viewing the TV program and/or recording a DBS programs – meaning the hyperlink is associated with the TV program being currently displayed on the TV screen (refer to col. 1/lines

Art Unit: 2623

22-54 for home devices including TVs, PCs and other electronics devices and a single control interface for controlling a plurality of home devices are suggested; and col. 7/lines 38-48 for each home device can be equipped with a screen for display and/or using GUI on its screen), and the use of remote controller for controlling functions on both the separate television set and/or on a display of a separate PC (refer to col. 14/lines 20-62 for an example for different home devices with screens are used for displaying different programs or services; and again col. 18/lines 61-67 for displaying HTML pages or the hyperlink pages on each home devices; and col. 23/lines 50-65 for using a single remote control for controlling different home devices including a TV and a PC).

As for claim 3, in further view of claim 2, Humpleman discloses “wherein said television remote transmits a command that causes said information to be displayed at a next startup of a process on said separate computer”, i.e., as the user sends a command by selecting or accessing the URL, the information is retrieving and displaying to the user (col. 13/line 7 to col. 14/line 18 for hyperlink connection so the user can access the manufacturer and other related pages).

As for claim 4, in further view of claim 2, Humpleman further shows “wherein said information is added to a list of internet favorites on said separate computer” (col. 13/lines 20-44 for a list of link page).

(Claim 5 was canceled).

As for claim 6, in view of claim 2, Humpleman discloses “wherein said requested information displays said information from said hyperlink on a personal computer”, i.e., the remote controller communicates with the hyperlink pages and displaying on a separate computer (col. 7/lines 37-48 & col. 18/lines 61-67).

As for claim 8, in view of claim 2, Humpleman shows “wherein said hyperlink includes an indication of a referring source” (col. 12/line 60 to col. 13/line 6).

As for claim 10, in view of claim 2, Humpleman inherently discloses “wherein said remote includes a separate receiver which receives hyperlinks that are associated with a program that is currently being displayed on the television” (refer to col. 1/lines 22-54 for home devices including TVs, PCs and other electronics devices regarding as separate receiver and a single control interface for controlling a plurality of separate receivers are suggested; and col. 7/lines 38-48 for each home device or separate receiver can be equipped with a screen for display and/or using GUI on its screen).

### ***Claim Rejections - 35 USC 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

8. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (U.S. Patent 6,243,707 B1) in view of Kamada (U.S. Patent 6,622,306 B1).

Regarding claim 7, Humpleman does not further teach this feature of including the e-mail service; however, this technique is well-known in the art. In fact, Kamada discloses “wherein said command that accesses information causes an email to be sent to said user” (Fig. 4/item 3 for e-mail service delivered to the user, and col. 8/lines 32-44). Therefore, it would have been

Art Unit: 2623

obvious to one of ordinary skill in the art at the time the invention was made to modify Humpleman's system with Kamada's technique of further including e-mail service in order to provide the user any updated information. The motivation for doing this is to inform the user of any updated information and keep the communication between the user and the broadcast server well informed.

As for claim 9, Kamada further suggests "wherein said command that accesses information comprises making a purchase of an item that is displayed on the television", i.e., a guide such as for homepage of a hotel or searching for hotels referring to selecting or searching on booking or purchasing hotels for travel (col. 7/line 52 to col. 8/line 11).

### ***Response to Arguments***

9. Applicant's arguments filed on 2/28/07 have been fully considered but they are not persuasive.

Please refer to the rejection 112, 2<sup>nd</sup> paragraph above for the issue that the remote control as claimed could NOT function as described (claimed) while lacking a structural relationship between the TV and the separate computer. Two stand-alone devices with no communication indicated (as claimed), the remote control can not access the hyperlink on the TV display and then the display is shown up on the separate computer.

Even the 112, 2<sup>nd</sup> paragraph will be fixed at later time, as stated in the previous office action, Humpleman discloses (refer to col. 1/lines 22-54) for home devices including TVs, PCs and other electronics devices and a single control interface for controlling a plurality of home devices are suggested; and col. 7/lines 38-48 for each home device can be equipped with a screen

Art Unit: 2623

for display and/or using GUI on its screen, and the use the remote controller for controlling functions on both the separate television set and/or on a display of a separate PC (refer to col. 14/lines 20-62 for an example for different home devices with screens are used for displaying different programs or services; and again col. 18/lines 61-67 for displaying HTML pages or the hyperlink pages on each home devices; and col. 23/lines 50-65 for using a single remote control for controlling different home devices including a TV and a PC).

Therefore, the examiner respectfully disagrees with the applicant's arguments and stands with the teaching of Humpleman and Kamada as disclosed in the previous office action and discussed in this final office action, not limited to the cited paragraphs by the examiner but also to the entire disclosure of the two references.

### ***Conclusion***

**10. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 2623

11. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**  
571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
May 9, 2007